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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,545	03/13/2001	Hiroshi Tomonaga	FUJO 18.430	2690
26304	7590	07/12/2005	EXAMINER	
KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585				FERRIS, DERRICK W
		ART UNIT		PAPER NUMBER
				2663

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/805,545	TOMONAGA ET AL.	
	Examiner	Art Unit	
	Derrick W. Ferris	2663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 07 March 2005.
- 2a) This action is **FINAL**.                                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 10 and 17 is/are allowed.
- 6) Claim(s) 1-4,7-9,11-12, 14-16 is/are rejected.
- 7) Claim(s) 5,6 and 13 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 13 March 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Arguments*

1. This Office action is in response to applicant's paper filed 3/7/2005. **Claims 1-17** as amended are still in consideration for this application. Applicant has amended claims 5, 10, 13, 17. Applicant has canceled no claims. Applicant has added no claims.
2. Examiner does **not withdraw** the anticipated rejection to *Moriwaki*. The following comments fully address applicant's arguments with respect to the rejection. Applicant's arguments filed 3/7/2005 have been fully considered but they are not persuasive. In particular, applicant argues that the distributor 20 of *Moriwaki* teaches distributing ATM cells to ATM switch 10 in the order determined by RA and distributing the same destination packets to the same output line among the ATM switch ports 41-1 to 41-4 sequentially. Examiner doesn't disagree with the above statement since the above statement is taught e.g., at column 6, lines 25-67 of *Moriwaki*. However, the examiner notes that the above description still reads on the claims given a reasonable but broad interpretation in view of applicant's specification. In particular, the destination packets are still serviced sequentially to an output port from the input buffers, see e.g., column 6, lines 63-64 of *Moriwaki*. Thus as packets arrive they are distributed sequentially teaching the above limitation of issue with respect to "sequentially distributing input packets to a plurality of paths in arrival order in units of packets". Examiner, however, would like to point out the applicant's further amendment with respect to the handling of the arrive the packets by the distribution unit overcomes the rejection as recited e.g., in amended claim 5, 10, 13, and 17. As to claim 2, ATM cells are fixed order slots. As to claim 3, see the rejection below. As to claim 4, the packets are sequentially handled thus meeting the limitation, see e.g., column 6,

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lines 63-67 of *Moriwaki*. As to claim 6, upon further review applicant has provided a persuasive argument such that the examiner withdraws the rejection for claim 6. As to claim 11, see similar reasoning above for claim 1.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-4, 7-9, 11, 12, and 14-16** are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,507,584 B1 to *Moriwaki et al.* ("*Moriwaki*").

As to **claim 1**, see figure 1 where a distribution unit is cell distributor 20-n, a switch unit is ATM switch 10-n, and a multiplexing unit is ATM assembler 30-n. In particular, the input packets are distributed sequentially on a plurality of paths in an arrival order, see e.g., column 6, lines 63-67.

As to **claim 2**, see figure 4 with respect to a distributing header and a same path. Also note e.g., column 6, lines 63-67 with respect to order.

As to **claim 3**, see switching units 10-1 through 10-n which are logically divided, see e.g., figure 1.

As to **claim 4**, a different number of lines could be used for the switching units, see e.g., column 3, lines 15-35 and column 5, lines 30-35. Furthermore, the number of lines are also arranged to match by using a dummy cell, see e.g., figure 5.

As to **claim 7**, see the input buffer in figure 4 where the cell is store based on the properties in the header.

As to **claims 8-9**, the controller 24 in the cell distributor contains values as part of a register unit including the value stored in distributive number register 244. The values in the registers are adjustable including setting a value used after an operation change is set.

As to **claim 11**, see similar rejection to claim 1.

As to **claim 12**, see similar rejection to claim 2.

As to **claim 15**, see similar rejection to claim 1.

As to **claim 16**, see similar rejection to claim 7.

As to **claim 17**, see similar rejection to claim 10.

*Allowable Subject Matter*

5. **Claims 10 and 17** are allowed.
6. **Claims 5, 6, and 13** and are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derrick W. Ferris whose telephone number is (571) 272-3123. The examiner can normally be reached on M-F 9 A.M. - 4:30 P.M. E.S.T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571)272-3139. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Derrick W. Ferris  
Examiner  
Art Unit 2663

DWF

  
RICKY NGO  
PRIMARY EXAMINER

7/11/05